IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.4164 OF 2004

IN

C.R.NO.3006 OF 2004

Shri Niyas Ahamed Ali Shah ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.Jayant Gohil for Applicant.

Mr.S.R.Shinde, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

OCTOBER 5, 2004.

P.C.

1. Heard Counsel for the parties.

2. The prosecution case is that the Applicant has been found in possession of duplicate Cassette CD and VCD, etc. which are seized. The Applicant has failed to disclose the source from where he had obtained the said Video, Audio and MP3. Learned Counsel submits that mere possession of such items,

by itself, is no offence under Section 63 of the Copy Right Act, 1957. However, during the investigation, the statements recorded would reveal that the said items belong to the Applicant and were meant for sale. Even so, the fact remains that the offence is punishable with imprisonment which may extend to three years. The offending items have already been seized. Besides, the Applicant has been attending Police Station, which fact is not disputed by the A.P.P. The Applicant has made himself available for interrogation. If it is so, the Applicant deserves to be enlarged on anticipatory bail on the following conditions :

(a) The Applicant is enlarged on anticipatory bail in connection with C.R.No.3006/02 registered with Andheri Railway Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five Thousand) with two local sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station on every Saturday between 11.00 a.m. to 2.00 p.m. till the charge-sheet is filed and

shall extend full co-operation during the investigation.

(c) The Applicant shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever. If any grievance in that behalf is made, it will be a ground for cancellation of bail.

(d) The Applicant shall not leave the jurisdiction of Andheri Railway Police Station, without prior intimation of the concerned Investigating Officer.

. Application disposed of on the above terms.

A.M.KHANWILKAR, J.